

NOT FOR PUBLICATION

(Doc. No. 8)

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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ROBERT F. McHALE and  
DELILAH A. McHALE  
Plaintiffs,

v.

RALPH J. KELLY,  
Defendant.

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Civil No. 11-143 (RBK/KMW)

**ORDER**

**THIS MATTER** having come before the Court upon by the motion to dismiss (Doc. No. 8) filed by Defendant Ralph J. Kelly to dismiss the amended complaint of Plaintiffs Robert F. McHale and Delilah A. McHale for failure to state a claim, and the Court having considered the moving papers, letters, and responses thereto; and for the reasons expressed in the Opinion issued this date;

**IT IS HEREBY ORDERED** that Defendant's motion to dismiss for failure to state a claim on which relief can be granted is **GRANTED**.

Dated: 10/14/2011

/s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge